

REMARKS

Claims 1 - 8 are pending. Claim 9 has been canceled. No new matter has been introduced. The changes to the specification and claim 1 have ample support in the specification. The Examiner is directed to the photoreceptor No. 1, of Table 1, at page 85.

Claim 1 is amended based on the description at pages 35-39 (interlayer), and the first paragraph of page 104 (layer thickness). Applicant believes that the amendment cures any 112 issued that may exist.

Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over JP1-065561 in view of Kawahara et al. (U.S. Patent No. 5,821,021) and further view of Yamazaki et al. (U.S. Patent Application Publication 2003/0054269).

With respect to use of Yamazaki as a 102(a) reference, a certified translation of the priority document 283065/2002 was filed with the appropriate declaration on March 6, 2006. Consideration of the priority document and removal of the reference under 102(a) is respectfully requested.

With respect to use of Yamazaki as a 102(e) reference, effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention, "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person" (see MPEP Section 706.02(l)(1)). A statement of an attorney of record can be sufficient evidence to establish common ownership (see MPEP Section 706.02(l)(2)). As established by the enclosed Statement of Common Ownership, at the time the invention of the current application was made, the inventions of the current application and Yamazaki were owned by, or subject to an obligation of assignment to Konica Corporation, a Japanese Corporation. Since the Applicant has established common ownership, Yamazaki is disqualified as prior art under 35 U.S.C. §103(a) and should be removed as a basis for rejection under 35 U.S.C. §103(a).

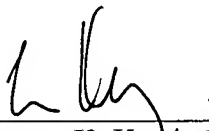
Finally, a revised declaration is co-filed herewith. Applicant had made an error in the original declaration. The error was not made in bad faith, and the Applicant wishes to cure the mistake by re-submission of a new declaration.

Withdrawal of the rejections and allowance of the claims is respectfully requested. Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,

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